

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**TONY RAPATZ, ALICE GUERRA, and
KATHERINE GUERRA,**

Plaintiffs,

v.

No. 12-cv-0827 JCH/SMV

**JOE MARTINEZ, CHRISTIAN LOPEZ,
ROBERT VIGIL, DANNY PACHECO,
CITY OF ESPAÑOLA EMPLOYEES AND
SUPERVISORS JOHN/JANE DOES, and
CITY OF ESPAÑOLA,**

Defendants.¹

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' FIRST
MOTION TO COMPEL DIRECTED TO DEFENDANT CITY OF ESPAÑOLA
WITH RESPECT TO REQUEST FOR PRODUCTION NO. 10**

THIS MATTER is before the Court on Plaintiffs' First Motion to Compel Directed to Defendant City of Española [Doc. 156] ("Motion to Compel Directed to the City"), filed on February 9, 2015. Defendants responded on February 23, 2015. [Doc. 160]. Plaintiffs replied on February 24, 2015. [Doc. 161]. The Court heard oral argument on March 31, 2015. *See* Clerk's Minutes [Doc. 168]. Plaintiffs request, inter alia, that the Court compel a response to Request for Production No. 10 ("RFP No. 10").² [Doc. 156] at 14. RFP No. 10 seeks production of "[t]he complete personnel files, including the complete disciplinary record for Robert Vigil and Danny Pacheco." [Doc. 156-3] at 3. The Court is familiar with the briefing, oral argument, and relevant law and is otherwise fully advised in the premises. For the reasons stated on the

¹ Defendants Joe Martinez and Christian Lopez were dismissed as parties on September 30, 2014. [Doc. 135].

² While Plaintiffs' Motion to Compel No. 1 contained various requests, this Order concerns only RFP No. 10.

record, Plaintiffs' Motion to Compel Directed to the City [Doc. 156] will be GRANTED IN PART and DENIED IN PART with respect to RFP No. 10, as further described herein.

Defendants shall produce the Bates-stamped copies of the requested personnel files no later than **Friday, April 24, 2015**. However, Defendants may redact confidential, non-work related information, e.g. home addresses, home phone numbers, social security numbers and other identifying information, medical information subject to HIPAA protection, and information regarding Defendants' family members. If any information is redacted or withheld from production on these grounds, counsel shall prepare a privilege log which identifies the withheld information by type of document, Bates number, and the reason for withholding the information.

If Plaintiffs believe that any information has been improperly withheld, they may bring a motion to compel after complying with Local Rule 7.1(a). *See* D.N.M.LR-Civ. 7.1(a) ("Movant must determine whether a motion is opposed, and a motion that omits recitation of a good-faith request for concurrence may be summarily denied.").

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion to Compel Directed to the City [Doc. 156] is **GRANTED IN PART** and **DENIED IN PART** with respect to RFP No. 10. Defendants shall produce copies of the personnel files in accordance with this Order by **Friday, April 24, 2015**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge